

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>JOHN DUNMIRE,</b>	<b>Plaintiff</b>	)	<b>C.A. No. 05-64 ERIE</b> <b>District Judge McLaughlin</b> <b>Magistrate Judge Baxter</b>
v.		)	
<b>CAPT. DEPASQUAL, et. al.,</b>	<b>Defendants.</b>	)	

**ORDER**

AND NOW, this 21<sup>st</sup> day of July, 2005;

IT IS HEREBY ORDERED that Plaintiff's motion for leave to amend complaint [Document # 6] is dismissed as moot, as Plaintiff is entitled to amend his Complaint at any time prior to service upon the Defendants, which has not yet been effectuated.

IT IS FURTHER ORDERED that the Plaintiff shall serve a copy of the amended complaint upon all Defendants after he has filed the same with this Court, and shall file with the Clerk a certificate of service verifying the date and method of such service.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Local Rule 72.1.3 B. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

S/Susan Paradise Baxter  
SUSAN PARADISE BAXTER  
Chief U.S. Magistrate Judge

cc: All parties of record